

MEMORANDUM

Agenda Item No. 7(C)


TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 1-20-16)
October 20, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance requiring warning signs related to sales of alcoholic beverages; providing for signs in business establishments selling alcoholic beverages for consumption on or off the premises; providing for content of sign to include prohibition on the sale to minors; amending section 21-31.3 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava, and Co-Sponsors Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman and Commissioner Barbara J. Jordan.



Abigail Price-Williams *APW*
County Attorney

APW/jls

Memorandum



Date: January 20, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style and is positioned to the right of the "From:" field.

Subject: Ordinance Relating Signs and Underage Drinking

The proposed ordinance amends Section 21-31.3 of the Code of Miami-Dade County requiring warning signs related to the retail sales of alcoholic beverages, providing for signs in business establishments selling alcoholic beverages for consumption on or off the premise and providing for content of sign to include prohibition on the sale to minors.

Implementation of this ordinance will not have a fiscal impact to the County as the Miami-Dade Police Department currently enforces this section of Code.

A handwritten signature in black ink, appearing to read "Russell Benford". The signature is written in a cursive style and is positioned above a horizontal line.

Russell Benford
Deputy Mayor

Fis1116

Memorandum



Date: January 20, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style with a large, sweeping initial 'C'.

Subject: Social Equity Statement - Amendment to Section 21.31.3 of the County Code Requiring Warning Signs Related to Sales of Alcoholic Beverages

The proposed Ordinance amends Section 21.31.3 of the Code of Miami-Dade County to require the owners or operators of business establishments that sell or dispense alcoholic beverages to post warning signage, in three (3) languages, about purchasing, selling and/or dispensing alcohol to individuals under the age of 21. This Ordinance would be punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days in the County Jail, or both, in the discretion of the court.

This amendment to the Ordinance provides a clear notification to all businesses and patrons that it is unlawful to purchase, sell or dispense alcohol under 21 years of age. These amendments serve to remind patrons that Miami-Dade County supports and enforces the laws regarding underage drinking and serving alcoholic beverages to underage patrons. It is the goal that these signs will discourage these illegal behaviors.

A handwritten signature in black ink, appearing to read "Russell Benford". The signature is written in a cursive style with a large, sweeping initial 'R'.

Russell Benford
Deputy Mayor

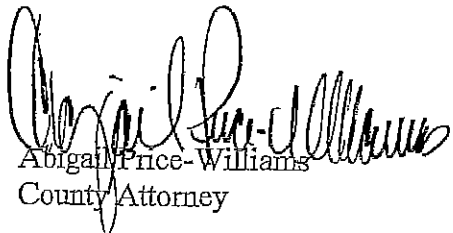


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(C)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 7(C)

Veto _____

1-20-16

Override _____

ORDINANCE NO. _____

ORDINANCE REQUIRING WARNING SIGNS RELATED TO SALES OF ALCOHOLIC BEVERAGES; PROVIDING FOR SIGNS IN BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON OR OFF THE PREMISES; PROVIDING FOR CONTENT OF SIGN TO INCLUDE PROHIBITION ON THE SALE TO MINORS; AMENDING SECTION 21-31.3 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 21-31.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 21-31.3. – Warning Signs Required for Retail Sale of Alcoholic Beverages.

- (a) >>Definitions<< For the purposes of this section the following definitions shall apply:
 - (1) *Alcoholic beverages* shall mean alcoholic beverages as set forth in Section 561.01(4)(a), Florida Statutes, as same may be amended from time to time.
 - (2) >>Business Establishment includes, but is not limited to, any place of business or any club, organization, person, firm, corporation or partnership such as a golf club, country club, veteran’s fraternal or benevolent organization, grocery store, drug store, nightclub, bottle club, cocktail bar, hotel bar, tavern, restaurant, restaurant bar, grill, filling station, convenience store, package store, or any other building, structure, or location or portion thereof, where in one person directly or indirectly pays another for purchase or dispensing of an alcoholic beverage.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (3) Conspicuously Posted means clearly visible, easily readable and immediately apparent upon viewing.
- (4) Dispense means storing, handling, apportionment, preparation, gift, distribution or serving, directly or indirectly, of any amount of an alcoholic beverage to or for any person by any officer, owner, operator, lessee, or employee of a business establishment. For purpose of this definition, permitting or allowing any person to carry alcoholic beverages on the premises of any business establishment to be consumed thereon shall constitute the dispensing of such beverages.
- (5) Minor means any individual under the legal drinking age as set forth in Florida Statutes Section 562.11 and 562.111 as the same may be amended from time to time<<

~~[[2]]~~>>(6)<< Sale and sell shall mean "sale" and "sell" as set forth in Section 561.01(9), Florida Statutes, as same may be amended from time to time.

~~[[3]]~~>>(7)<< Retail shall mean sale to the ultimate consumer.

(b) >>Signage required for all business establishments selling alcoholic beverages. All persons who own or operate a business establishment which sells or dispenses at retail alcoholic beverages for consumption on or off the premises shall conspicuously post a notice within said business establishment in such a place where alcoholic beverages are either displayed, purchased or consumed. The required notice shall consist of one or more signs or notices, each of which is not less than ninety-three square inches (8-1/2 x 11), with at least 30-point type, which contains the following information, clearly discernable by persons to whom alcoholic beverages may be sold or dispensed.

- (1) It is unlawful to purchase alcohol if you are under 21 years of age.
- (2) It is unlawful to sell or dispense alcohol under 21 years of age unless exempt pursuant to section 562.11 or 562.13, Florida Statutes
- (3) The penalties associated with the sale or dispensing of alcoholic beverages to persons under 21 years of age include imprisonment in a County jail and a fine
- (4) A telephone number to report those who are in violation of the law. Such telephone numbers may include but are not limited to:
 - a. 305-470-6787 – Division of Alcoholic Beverages and Tobacco
 - b. 1-877-MEANS 21 (877-632-6721)<<

- (c) >>Signage required for business establishments selling alcoholic beverage for consumption off the premises.<< No person shall sell at retail any alcoholic beverage >>for consumption off the premises of the business establishment<< unless said person has posted in a conspicuous place where the sale is to occur a sign which is at least eleven (11) inches by seventeen (17) inches in size, which is plainly visible and legible to all persons entering the premises and which shall read as follows:

HEALTH WARNING

ALCOHOL IN BEER, WINE AND LIQUOR CAN CAUSE:

- * INTOXICATION
- * ADDICTION
- * BIRTH DEFECTS

REDUCE YOUR RISKS:

- DO NOT DRINK BEFORE DRIVING OR OPERATING MACHINERY.
- DO NOT MIX ALCOHOL WITH OTHER DRUGS (IT CAN BE FATAL).
- DO NOT DRINK DURING PREGNANCY.

~~[[Notwithstanding any provision of the Code of Miami-Dade County, said sign shall also be translated into Spanish and posted.]]~~

~~[[e]]~~Hotels, restaurants, lounges and other establishments which are permitted to sell alcoholic beverages for consumption on the premises are expressly exempt from the provisions of this ~~[[section]]~~
>>subsection (c)<<.

- >>(d) Language of signs. The owner or operator of a business establishment subject to this section shall conspicuously post translations of the required notice in Spanish and Creole.

- (e) Exemptions. The restrictions of subsections (b) and (c) shall not apply to a bona fide restaurant without a restaurant bar. However, such place of business shall conspicuously post a notice with the contents set forth in subsection (b) above within said business establishment where it will be visible to all employees of the business.<<

- ~~[[d]]~~>>(f) Penalties.<<Any person violating any of the provisions of this section shall, upon conviction of such offense, be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the County Jail, or both, in the discretion of the court. Each day of continued violation shall be considered a separate offense.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:
Eduardo W. Gonzalez

GBK
Ewg

Prime Sponsor: Commissioner Daniella Levine Cava
Co-Sponsors: Commissioner Audrey M. Edmonson
Commissioner Sally A. Heyman
Commissioner Barbara J. Jordan